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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/601,490	09/21/00	COLLEN	D 702-001463

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EXAMINER RAMIREZ, D

ART UNIT 1652	PAPER NUMBER <i>10</i>
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DATE MAILED: 10/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/601,490

Applicant(s)

COLLEN, DESIRE JOSE

Examiner

Delia M. Ramirez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-60 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claims 31-60 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Groups I-LVI, claim(s) 31, 32, 33, 35, 36, 59, 60, drawn in part to one of the 56 staphylokinase derivatives listed in claim 36, respectively.

Group LVII, claim(s) 34, drawn to a staphylokinase derivative.

Group LVIII, claim(s) 37, drawn to a staphylokinase derivative having the code SY19.

Group LIX, claim(s) 37, drawn to a staphylokinase derivative having the code SY161.

Groups LX-CXXIX, claim(s) 39, 40, 41, 43, 44, 45, 46, 47, drawn in part to one of the 70 staphylokinase derivatives listed in claim 44, respectively.

Group CXXX, claim(s) 39, 40, 41, 42, 43, 45-47, drawn to a staphylokinase derivative.

Group CXXXI, claim(s) 39, 40, 41, 43, 45-47, 48, drawn to a staphylokinase derivative having the code SY161 (S3C-MP5).

Group CXXXII, claim(s) 39, 40, 41, 43, 45-47, 49, drawn to a staphylokinase derivative having the code SY161 (S3C-P10).

Group CXXXIII, claim(s) 39, 40, 41, 43, 45-47, 50, drawn to a staphylokinase derivative having the code SY161 (S3C-P20).

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Group CXXXIV, claim(s) 39, 40, 41, 43, 45-47, 51, drawn to a staphylokinase derivative having the code SY19 (S3C-MP5).

Group CXXXV, claim(s) 39, 40, 41, 43, 45-47, 52, drawn to a staphylokinase derivative having the code SY19 (S3C-SP5).

Group CXXXVI, claim(s) 39, 40, 41, 43, 45-47, 53, drawn to a staphylokinase derivative having the code SY19 (S2C-SP5, S3C-SP5).

Group CXXXVII, claim(s) 39, 40, 41, 43, 45-47, 54, drawn to a staphylokinase derivative having the code SY19 (S3C-P20).

Group CXXXVIII, claim(s) 39, 40, 41, 43, 45-47, 55, drawn to a staphylokinase derivative having the code SY19 (S3C-P10).

Group CXXXIX, claim(s) 56, drawn to a dimer of two staphylokinase derivatives.

Group CXL, claim(s) 57-58, drawn to a method for producing staphylokinase derivatives.

The inventions listed as Groups I-CXL do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The special technical feature of Groups I-CXL appears to be that they all relate to staphylokinase derivatives with reduced immunogenicity. However, staphylokinase derivatives with reduced immunogenicity are known in the prior art. Collen et al. (Circulation 95:463-472, 1997) teaches the use of the derivatives SakSTAR(K74), SakSTAR(K74ER), SakSTAR(E75), and SakSTAR(EER) as variants with reduced antibody induction and intact potency. Furthermore, Collen et al. (Circulation 94:197-206, 1996) teaches the construction and characterization of other derivatives such as SakSTAR.M38 and SakSTAR.M89. Therefore, the

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technical feature linking inventions I-CXL does not constitute a special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art.

The special technical feature of Groups I-LVI is considered to be one of the 56 staphylokinase derivatives listed in claim 36, respectively.

The special technical feature of Group LVII is considered to be the staphylokinase derivative of claim 34.

The special technical feature of Group LVIII is considered to be a staphylokinase derivative having the code SY19.

The special technical feature of Group LIX is considered to be a staphylokinase derivative having the code SY161.

The special technical feature of Groups LX-CXXIX is considered to be one of the 70 staphylokinase derivatives listed in claim 44, respectively.

The special technical feature of Group CXXX is considered to be the staphylokinase derivative of claim 42.

The special technical feature of Group CXXXI is considered to be a staphylokinase derivative having the code SY161 (S3C-MP5).

The special technical feature of Group CXXXII is considered to be to a staphylokinase derivative having the code SY161 (S3C-P10).

The special technical feature of Group CXXXIII is considered to be a staphylokinase derivative having the code SY161 (S3C-P20).

The special technical feature of Group CXXXIV is considered to be a staphylokinase derivative having the code SY19 (S3C-MP5).

The special technical feature of Group CXXXV is considered to be a staphylokinase derivative having the code SY19 (S3C-SP5).

The special technical feature of Group CXXXVI is considered to be a staphylokinase derivative having the code SY19 (S2C-SP5, S3C-SP5).

The special technical feature of Group CXXXVII is considered to be a staphylokinase derivative having the code SY19 (S3C-P20).

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The special technical feature of Group CXXXVIII is considered to be a staphylokinase derivative having the code SY19 (S3C-P10).

The special technical feature of Group CXXXIX is considered to be a dimer of two staphylokinase derivatives.

The special technical feature of Group CXL is considered to be a method for producing staphylokinase derivatives.

Accordingly, Groups I-CXL are not so linked by the same or corresponding special technical feature as to form a single general inventive concept.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement can be traversed (37 CFR 1.143).

Certain papers related to this application may be submitted to Art Unit 1652 by facsimile transmission. The FAX number is (703) 308-4556. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 CFR 1.6(d)). NOTE: If Applicant submits a paper by FAX, the original copy should be retained by Applicant or Applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED, so as to avoid the processing of duplicate papers in the Office.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Delia M. Ramirez whose telephone number is (703) 306-0288. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Ponnathapura Achutamurthy can be reached on (703) 308-3804. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Delia M. Ramirez, Ph.D.
Patent Examiner
Art Unit 1652

DR
October 15, 2001

A handwritten signature in black ink, appearing to read 'Ach', is positioned above the printed name of the supervisor.

PONNATHAPU ACHUTAMURTHY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600